

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONITA THOMPSON,

Plaintiff,

Civil Action No. 15-11281

Honorable Matthew F. Leitman

v.

Magistrate Judge Elizabeth A. Stafford

LVNV FUNDING LLC, et al.,

Defendants.

ORDER REGARDING PLAINTIFF'S MOTION TO COMPEL [R. 18]

Tonita Thompson brought this proposed class action suit against LVNV Funding LLC ("LVNV") and J.C. Christensen & Associates, Inc. ("JCC"; collectively "Defendants") alleging violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692, *et seq.*, and the Michigan Collection Practices Act, M.C.L. § 445.251 *et seq.* [R. 1]. On August 25, 2015, Thompson filed a motion to compel discovery [R. 18], which the Honorable Matthew F. Leitman referred to the undersigned for determination pursuant to 28 U.S.C. § 636(b)(1)(A) [R. 20]. Thompson argues Defendants provided insufficient responses to her requests for admissions ("RFA"), interrogatories, and requests for production of documents.

On September 3, 2015, the Court held a telephonic status conference

regarding the motion to compel. Thompson's counsel, Curtis Warner, and Defendants' counsel, Matthew Kostolnik, attended the phone conference. In accordance with the discussion during the phone conference, the Court orders that:

1. By **September 9, 2015**, Thompson must serve Defendants with the following supplemental/revised discovery requests:
 - a. More specific language for RFAs 1 and 2;
 - b. More detailed language and authority for RFAs 11 and 19;
 - c. Better defined language for RFAs 24-26 and 29; and
 - d. A narrowed timeframe for document request 12.
2. By **October 2, 2015**, Defendants must:
 - a. Respond to the above supplemental/revised discovery requests;
 - b. Provide supplemental responses to RFAs 12 and 13 stating efforts they have made in attempting to respond;
 - c. Provide supplemental responses to RFAs 20-23;
 - d. Provide supplemental responses to interrogatory 14 and RFA 35 or indicate that they are maintaining their objections; and
 - e. Agree to a protective order with Thompson and respond to interrogatory 10 and document requests 2, 3, and 15 subject to the protective order.
3. Defendants do not have to respond to interrogatories 10-13 until a later date **if** they admit by October 2, 2015 that they sent the letters described in interrogatories 10-13 to more than 40 people.

4. If Defendants plan to object to any supplemental discovery request as vague, ambiguous, or the like, they must inform Thompson's counsel of such intention at least one week before October 2, 2015, and the parties must meet and confer in good faith to resolve the issue without Court intervention. Failure to act in good faith by either party may result in the dispute being decided against them or imposition of other sanctions.
5. Thompson must file a supplement to its motion to compel by **October 8, 2015**, outlining all of the remaining unresolved issues. Defendants must respond to Thompson's filing by **October 13, 2015**, and the Court will hold a hearing on the unresolved discovery issues on **October 15, 2015 at 10:00 a.m.** Unless the parties resolve all outstanding issues beforehand, both Mr. Warner and Mr. Kostolnik must attend the hearing in person.

IT IS ORDERED.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: September 3, 2015

NOTICE TO THE PARTIES REGARDING OBJECTIONS

The parties' attention is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of receipt of a copy of this order within which to file objections for consideration by the district judge under 28 U.S. C. §636(b)(1). Unless ordered otherwise by the Court, the filing of an appeal to the District Judge does not stay the parties' obligations in this Order. See E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served

upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 3, 2015.

s/Marlana Williams

MARLENA WILLIAMS

Case Manager